

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 14, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

AMANDA BANTA, et al.,

Plaintiffs,

v.

ROBERT W. FERGUSON, Attorney
General of the State of Washington, et al.,

Defendants.

No. 2:23-CV-00112-MKD

ORDER STRIKING EXTRANEIOUS
BRIEFING

ECF Nos. 42, 43, 44

On August 8, 2023, Plaintiffs filed a Statement of Additional Authority in Support of Plaintiffs' Motion for Preliminary Injunction, ECF No. 42. Plaintiffs filed an opinion from *Teter, et al. v. Lopez, et al.*, No. 20-15948, dated August 7, 2023, ECF No. 42-1. Plaintiffs also attached a letter offering analysis on the decision's implication for this case. ECF No. 42-2. The State Defendants filed a Motion for Leave to File Surreply to Plaintiffs' Supplemental Reply, ECF No. 43. The State Defendants seek leave to respond to Plaintiffs' letter. ECF No. 43-2.

Plaintiffs did not seek leave to file a supplemental brief. Further, the Ninth Circuit panel has yet to deliver a mandate for the August 7, 2023 opinion in *Teter*,

1 No. 20-15948. *See* Fed. R. App. P. 41. The Court considers the opinion as non-
2 binding persuasive authority until a mandate is issued. The extraneous briefing is
3 not appropriately before the Court.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. The State Defendants' Motion for Leave to File Surreply to
6 Plaintiffs' Supplemental Reply, **ECF No. 43**, is **DENIED**.

7 2. Plaintiffs' letter to the Court, **ECF No. 42-2**, is **STRICKEN**.

8 **IT IS SO ORDERED.** The District Court Executive is directed to file this
9 order and provide copies to the parties.

10 DATED August 14, 2023.

11 *s/Mary K. Dimke*
12 MARY K. DIMKE
13 UNITED STATES DISTRICT JUDGE
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